REMARKS

Claims 1-7 were pending in the subject application. Applicants have canceled claims 1 and 5, and rewritten claim 4 in independent form. Claims 2, 3, 6 and 7 have been amended to be dependent on claim 4 instead of claim 1. Thus, no new matter is introduced by these amendments. Applicants respectfully request that this Amendment be entered into the application. Upon entry of this Amendment, claims 2-4, 6 and 7 will be pending and under examination.

Rejection of Claims 1-3 and 5-7 under 35 U.S.C. §103(a)

The Examiner rejected claims 1-3 and 5-7 under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 4,184,004 to Pines et al. (henceforth "Pines") in view of U.S. Patent No. 5,539,013 to Eckberg et al ("Eckberg").

Applicants respectfully traverse this rejection, and maintain that the cancellation of claims 1 and 5, and the making of claims 2, 3, 6 and 7 dependent on claim 4 have rendered the rejection of claims 1-3 and 5-7 moot.

Applicants note that one of the requirements of establishing a *prima facie* case of obviousness is that the prior art references must teach or suggest all the claim elements.

> To reject a claim [as obvious], Office personnel must resolve the *Graham* factual inquiries. Then, Office personnel must articulate the following:
>
> (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;

See M.P.E.P. §2143(A) (emphasis added).

Applicants assert that Pines in view of Eckberg does not disclose or suggest an organic polymer having a main skeleton comprising a saturated hydrocarbon polymer selected from the group consisting of polyisobutylene, hydrogenated polyisoprene, hydrogenated polybutadiene, and copolymers thereof. Indeed, the Examiner acknowledged this point in setting forth the rejection of claim 4 in the Final Office Action. Accordingly, applicants maintain that claims 2, 3, 6 and 7 are not obvious over Pines in view of Eckberg. Applicants therefore respectfully request that

the Examiner reconsider and withdraw the present ground of rejection.

Rejection of Claim 4 under 35 U.S.C. §103(a)

The Examiner also rejected claim 4 under 35 U.S.C. §103(a) as allegedly obvious over Pines in view of Eckberg, as applied to claims 1-3 and 5-7 above, and further in view of U.S. Patent No. 4,803,244 to Umpleby ("Umpleby").

Applicants respectfully traverse this rejection, and assert that there are at least two differences between claim 4 and Pines. First, Pines does not teach a polymer with an epoxy containing siloxane at both ends. The Examiner attempted to rely on Eckberg to deal with this deficiency of Pines. However, applicants disagree that Eckberg cures this deficiency of Pines. Second, Pines does not teach a polysiloxane copolymer with a skeleton portion comprising a saturated hydrocarbon polymer selected from the group consisting of polyisobutylene, hydrogenated polyisoprene, hydrogenated polybutadiene, and hydrogenated copolymers thereof. Even the Examiner conceded to the second difference. Thus, Eckberg does not cure this deficiency of Pines.

However, the Examiner stated that Umpleby teaches hydrosilation chemistry commonly used in the art to form polyolefinic/polysiloxane copolymers. The Examiner asserted that at the time of the invention, it would have been obvious for a person of ordinary skill in the art to combine the teachings of Umpleby with those of Pines in order to produce polysiloxane/polyolefinic epoxide-containing copolymers, because the inclusion of a hydrophobic moiety would provide both a stain resistant and hydrophilic copolymer.

Applicants respectfully disagree. Applicants maintain that, to the contrary, the inclusion of a hydrophobic moiety provides neither a stain-resistant nor a hydrophilic copolymer. In this regard, applicants respectfully direct the Examiner's attention to the following disclosures in Pines:

> Hydrophobicity is undesirable in many textile applications because it contributes to fabric soiling and it is believed to inhibit washing effectiveness. Moreover, the hydrophobicity of these softening agents inhibits the absorption of body moisture in clothing fabrics, and thus can cause the wearer to experience a damp sensation. ... The textile art is seeking an effective softening treatment which is at once highly permanent, hydrophilic, and

> economical to use. ... The present invention provides novel finished textile materials and methods for imparting a soft, hydrophilic finish thereto.

See column 1, lines 31-53 (emphasis added). Thus, Pines clearly teaches that "hydrophilicity" in an organosilicone terpolymer is desirable, and that "hydrophobicity" is undesirable. In other words, Pines teaches away from including a hydrophobic "saturated hydrocarbon polymer" in an organosilicone terpolymer.

Applicants note that Eckberg arguably also teaches away from introducing a hydrophobic "saturated hydrocarbon polymer" into an epoxysilicone resin. For example, Eckberg discloses that "polarity" is a desirable property for epoxysilicone resins:

> In order to prepare epoxysilicone resins in which onium salt photo-initiators are miscible, it would be desirable to provide a resin that is compatible with the polar characteristic of onium salts. In the process and product of the present invention, an epoxysilicone resin is made more polar by the inclusion of linear blocks comprising a polyether into a siloxane backbone to generate a linear epoxysilicone-polyether block copolymer, compound (I), ...

See column 5, line 65 to column 6, line 6 (emphasis added).

> Due to the polyether blocks contained therein, the product of the present invention is much more miscible with polar molecules, particularly iodonium salt photo-initiators, than non-polyether-containing, epoxy-silicone polymers of comparable molecular weight.

See column 10, lines 49-53 (emphasis added). Thus, applicants maintain that, contrary to the Examiner's assertion, a skilled artisan would not be motivated to combine the teachings of Umpleby, Eckberg, and Pines to include a hydrophobic moiety in an organsilicone terpolymer as both Pines and Eckberg teach away from such combination.

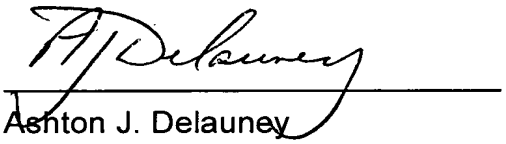
"When the prior art teaches away from combining certain known elements, discovery of successful means of combining them is more likely to be nonobvious." *See* M.P.E.P. §2143(A) Example 1, citing *KSR* 550 U.S. at __ (2007). Accordingly, applicants maintain that claim 4, and claims 2, 3, 6 and 7 dependent therefrom, are not obvious over the combination of Pines, Eckberg, and Umpleby, and respectfully request withdrawal of this ground of rejection.

CONCLUSION

In view of the above remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejections set forth in the November 21, 2007 Final Office Action. Applicants maintain that the now pending claims are in condition for allowance, which action is earnestly solicited.

If a telephone interview would assist in expediting prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number provided below. No fee is deemed necessary in connection with the filing of this Amendment. However, in the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. Authorization is hereby given to charge the petition fee and any other fees that may be required in relation to this paper to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP



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